

Exhibit D

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DASNY BARUCH SITE B

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TDX CONSTRUCTION CORPORATION

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August 28, 2003

Trataros Construction, Inc.
55 Lexington Avenue
New York, NY 10010

Attn: Gus Trataros

RE: Baruch College - Site "B"
Contract No. 16 (GC-2)
Terrazzo Flooring at Site "B"

Gentlemen:

There have been deteriorating and hazardous conditions due to the deficiencies of the terrazzo flooring and underlayment installation at Baruch College Site "B." The flooring deficiencies, which have been evident for some time, present unsafe conditions for the high volume of foot traffic that walk through the building each day. These unsafe conditions had prompted a variety of testing and inspection agencies to perform independent tests on various locations throughout the entire terrazzo flooring area with Site "B." (See enclosed reports).

Based on the findings of the independent testing agency reports, it has been determined that the deficiencies in the terrazzo installation and underlayment are your responsibility.

You are therefore notified to remove and replace all materials installed throughout the building that are covered by the terrazzo flooring, including underlayments below the terrazzo flooring system. Prior to any action to be taken on Site "B," as stated in the contract documents, the replacement and corrective work must be resubmitted and approved.

Please contact this office to expedite the repair process and to coordinate the removal, repairs, and reinstallation of the terrazzo flooring system and underlayment.

Very truly yours,
TDX Construction Corporation

Ray Leu
Ray Leu
Project Manager

JOG/

cc: Steve Boiko - Dormitory Authority, Michael Kolk - Dormitory Authority, Jay Goldstein - Dormitory Authority
Anil Raut - Dormitory Authority, Wayne Markowitz - Dormitory Authority, John Mueller - Dormitory Authority
Jim H. Jones - TDX, John McCullough - TDX, Jim R. Jones - TDX
Vincent Anastasi - Crescenti, TCI Bonding Co. - Travelers, Athena Curia - Trataros
File